

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAQUENTIN BANKS,

Plaintiff,

v.

DAVID MAHONEY,

Defendant.

ORDER

Case No. 18-cv-52-wmc

Pro se plaintiff LaQuentin Banks is proceeding in this lawsuit on a claim against defendant related to conditions at the Dane County Jail. On June 27, 2018, defendant filed a motion for summary judgment on exhaustion grounds. (Dkt. #16.) Banks filed an opposition brief in which he claimed that he filed grievances about his claim in this lawsuit and that staff may have thrown away his grievances. Since Banks did not sign his opposition brief under penalty of perjury, or submit any other evidence supporting those assertions, the court issued an order giving Banks until October 4, 2018, to submit a declaration in opposition to defendant's motion for summary judgment. (Dkt. #22.) However, plaintiff has not filed such a declaration, nor has he sought an extension or otherwise provided the court with an indication that he plans to submit admissible evidence in opposition to the motion. Plaintiff's failure to respond to the court's order suggests that he may have lost interest in pursuing this case and no longer intends to prosecute it, or that he may have realized that he cannot submit evidence that might be sufficient to defeat defendant's motion.

Plaintiff will receive *one* more opportunity to submit a declaration in opposition to defendant's motion. If he fails to do so by the new deadline, the court will dismiss this

case with prejudice under Rule 41 of the Federal Rules of Civil Procedure for his failure to prosecute.

ORDER

IT IS ORDERED that plaintiff LaQuentin Banks may have until **November 13, 2018**, to file a declaration in opposition to defendant's motion for summary judgment. **If plaintiff does not respond by that date, the court will dismiss this case with prejudice under Federal Rule of Civil Procedure 41(b) for plaintiff's failure to prosecute it.**

Entered this 23rd day of October, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge